

Office of the Yavapai County Attorney  
255 E. Gurley Street, Suite 300  
Prescott, AZ 86301  
Phone: (928) 771-3344 Facsimile: (928) 771-3110

YAVAPAI COUNTY ATTORNEY'S OFFICE  
JOSEPH C. BUTNER SBN 005229  
DEPUTY COUNTY ATTORNEY  
255 East Gurley Street  
Prescott, AZ 86301  
Telephone: 928-771-3344  
[ycao@co.yavapai.az.us](mailto:ycao@co.yavapai.az.us)

SUPERIOR COURT  
COUNTY OF YAVAPAI  
2009 OCT -8 PM 4: 02  
JEANNE HICKS, CLERK  
BY: Heather Figueroa

IN THE SUPERIOR COURT OF STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

v.

STEVEN CARROLL DEMOCKER,

Defendant.

Cause No. P1300CR20081339

Division 6

STATE'S RESPONSE TO DEFENDANT'S  
MOTION TO COMPEL

On August 21, 2009, the State forwarded Defendant's itemized and very detailed request for numerous materials with respect to the collection and testing of biological evidence to all of the laboratories which received biological samples in this case up to that date. On October 6, 2009, the State informed the defense team via an email attachment that the information was being compiled and that disclosure would occur as soon as the information was received from all of the laboratories. (See Attachment, Item U.)

The State would have preferred to deliver all of this information to the defense team as a complete package rather than piecemeal; however, the information received thus far has been delivered to the defense team with the State's 36<sup>th</sup> Supplemental Disclose dated October 8, 2009. Additional information will be disclosed as soon as it is received.

///

Office of the Yavapai County Attorney

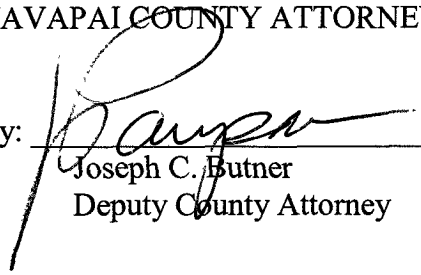
255 E. Gurley Street, Suite 300

Prescott, AZ 86301

Phone: (928) 771-3344 Facsimile: (928) 771-3110

RESPECTFULLY SUBMITTED this 27<sup>th</sup> October, 2009.

Sheila Sullivan Polk  
YAVAPAI COUNTY ATTORNEY

By:   
Joseph C. Butner  
Deputy County Attorney

COPIES of the foregoing delivered this 27<sup>th</sup> day of October, 2009 to:

Honorable Thomas J. Lindberg  
Division 6  
Yavapai County Superior Court  
(via email)

John Sears  
107 North Cortez Street, Suite 104  
Prescott, AZ 86301  
Attorney for Defendant  
(via email)

Larry Hammond  
Anne Chapman  
Osborn Maledon, P.A.  
2929 North Central Ave, 21<sup>st</sup> Floor  
Phoenix, AZ  
Attorney for Defendant  
(via email)

By: 

**Deborah Cowell**

---

**From:** Deborah Cowell  
**Sent:** Tuesday, October 06, 2009 2:02 PM  
**To:** 'Tricia Sherrill'; Anne M. Chapman (achapman@omlaw.com); C. Ferchaud; D. Toland; John Sears (john.sears@azbar.org); Larry Hammond (lhammond@omlaw.com)  
**Subject:** DeMocker - P1300CR20081339 - Request dated 9/1/09  
**Attachments:** resp to req for information 090109.pdf

Attached is my response to Item #3 in your request for information dated September 1, 2009.

Deb Cowell, Paralegal  
Yavapai County Attorney's Office  
255 East Gurley Street  
Prescott, AZ 86301  
(928) 777-7395

*Confidentiality Footer: Privileged/confidential information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to the addressee), you may not copy or deliver this message to anyone. In such case, you should destroy this message, and kindly notify the sender by reply email.*

10/8/2009



# Yavapai County Attorney

255 East Gurley Street  
Prescott, AZ 86301  
(928) 771-3344 (Criminal)  
(928) 771-3338 (Civil)  
Facsimile (928) 771-3110

**SHEILA POLK**  
Yavapai County Attorney

October 6, 2009

Anne Chapman  
Osborn Maledon  
PO Box 36379  
Phoenix, AZ 85067-6379

Re: *State v. DeMocker*, CR 2008-1339 – Request for Materials and Information dated September 1, 2009.

Dear Ms. Chapman,

I believe most of your requests for information will be resolved once I'm able to add the YCSO Evidence Item numbers to the Bates Stamp Log. As you might imagine, this is a time-consuming process that will not be complete for some weeks. Updated Bates Logs will now have a column for corresponding Evidence Item Numbers. Following are responses to your specific requests under Item #3.

a. YCSO Property Invoices for Evidence Items:

1125: *See Bates 5689*

6000-6017:

6000-6007: *See Bates 1327*

6008-6017: *See Bates 2413-2414*

6025-6078:

6025: *See Bates 3780*

6026-6027: *See Bates 3328*

6028-6033: *See Bates 3618*

6034-6043: *See Bates 4536*

6044-6056: *See Bates 4537*

6057-6066: *See Bates 4538*

6067-6070: *See Bates 4539*

6071-6075: *See Bates 5284*

b. An Index that correlates Bates Number and CDs to YCSO Evidence Items numbers: *In progress; however, interviews, photographs, and some documents disclosed on CDs do not have Bates numbers, only Evidence Item Numbers.*

c. Copy of Evidence Item #3 – diagrams of 1716 Alpine Meadows. *The three diagrams (See Bates 123-126) were duplicated and disclosed twice. See Bates Range 123-128.*

d. Evidence Item 21 – *See Bates 5407.*

- e. Evidence Item 23 – *Please be more specific. I don't understand what you are referring to.*
- f. Copy of YCSO spreadsheet tracking dates YCSO provides evidence to YCAO. *This internal worksheet will not be provided.*
- g. Evidence Item 54 – *See Bates 5709-5725.*
- h. The packet that accompanied the CD in Evidence Item 59. *See Bates 4524-4529.*
- i. Better copies of documents in Evidence Item 64. *These are the best possible copies.*
- j. The entire contents of Evidence Item #72. *New copies were provided to Mr. Sears on Sept. 19, 2009.*
- k. Emails from Sally Butler Evidence Items 6011 and 6042. *Item 6011 – See Bates 4263-4302; Item 6042 – See Bates 4303-4306.*
- l. Evidence Item 6019. *See Bates 2365-2369.*
- m. Evidence Item 814 – *See Bates 5866.*
- n. Evidence Items 1501, 1502, and 1504. *These items have been photographed but not copied. See Disk QQ.*
- o. Evidence Item 3115. *This item was copied to the external hard drive (Western Digital 500 GB) which was delivered to Mr. Sears on June 19, 2009.*
- p. Evidence Item 838. *See Bates Nos. 4084-4116.*
- q. Evidence Item 6084, 7485 Bridal Path plans dated 3/25/97. *This item will not be copied and if used, will only be used for demonstrative purposed. Originals can be viewed at YCSO.*
- r. Evidence Item 6017. *These are the two disks that are Evidence Item 72. See j.*
- s. Chain of custody for Evidence Items 111 and 113. *There is no chain of custody for Item 111. Original Evidence Log and chain of custody for Item 113 was included in the State's 35<sup>th</sup> Supplemental Disclosure. See Bates 158 and 158A*
- t. Chain of custody for Evidence Item 845. *Original Evidence Log and chain of custody for Item 845 was included in the State's 35<sup>th</sup> Supplemental Disclosure. See Bates 185 and 185A.*

**dated August 14, 2009, re: biological evidence, are being compiled and will be disclosed when complete.**

w. Written assurance that photos from Evidence Item 3119 have been destroyed.  
*This item has been destroyed.*

x. Copies of Evidence Item 6037. *See Disk 6035.*

Respectfully,

Web Cornell

Deb Cowell, CLA  
Paralegal to Joseph C. Butner

cc: John Sears  
Larry Hammond  
D. Toland  
C. Ferchaud  
T. Sherrill  
File